

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**PHYLINDER JONES**

**PLAINTIFF**

**V.**

**NO. 1:16CV00231-JMV**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ON PETITION FOR ATTORNEY FEES**

Before the Court is Plaintiff's motion [19] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [18] dated November 27, 2017, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$5,518.80 plus a mileage expense of \$50.29 on the grounds that he was the prevailing party and the Commissioner's position was not "substantially justified." The Acting Commissioner indicates she has no objection to the motion but, nevertheless, states that any award should be made payable directly to Plaintiff in accordance with the Supreme Court's decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010).

For good cause shown, the Court finds Plaintiff is entitled to an award of fees; the requested amount of fees is reasonable; no special circumstances would make the requested award unjust; and the award should be made payable to Plaintiff.

**THEREFORE, IT IS ORDERED:**

That the Acting Commissioner shall promptly pay to Plaintiff a total of \$5,518.80 in attorney fees plus \$50.29 for mileage expenses (payable from SSA appropriations) for the benefit of counsel for Plaintiff.

This 31st day of January, 2018.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE